101-101

Public Law 101-101
101st Congress

An Act

Making appropriations for energy and water development for the fiscal year ending September 30, 1990, and for other purposes.

Sept. 29, 1989
[H.R. 2696]

Energy and Water Development Appropriations Act, 1990.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1990, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, $131,086,000, to remain available until expended: *Provided,* That with funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the following items under General Investigations in fiscal year 1990 in the amounts specified:

Rillito River, Arizona, $350,000;
Antelope Creek, Lincoln, Nebraska, $100,000;
Elm Creek, Nebraska, $75,000;
Jeffersonville, Indiana, $125,000;
Red River Waterway, Shreveport, Louisiana, to Dangerfield, Texas, $750,000;
Sainte Genevieve, Missouri, $50,000;
Missouri River Fish and Wildlife Mitigation, Iowa, Nebraska, Kansas, and Missouri, $300,000;
Lake George, Hobart, Indiana, $100,000:

Provided further, That not to exceed $25,500,000 shall be available for obligation for research and development activities: *Provided further,* That $50,000 of the funds herein appropriated shall be used by the Secretary of the Army, acting through the Chief of Engineers,

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to initiate and complete a reconnaissance phase study of roadw
access problems at Fishtrap Lake, Kentucky, and the purchase
property from willing sellers and relocation of owners of property
purchased: *Provided further,* That with funds appropriated in t
Energy and Water Development Appropriations Act, 1989, Pub
Law 100-371, the Secretary of the Army, acting through the Chief
Engineers, is directed to initiate preconstruction engineering a
design for construction of a bridge at Floyd's Fork, on Routt Road
Taylorsville Lake, Kentucky: *Provided further,* That the Secreta
of the Army, acting through the Chief of Engineers, is directed
use, immediately upon enactment of this Act, $125,000 of the fun
appropriated herein to accomplish detailed planning of the Wabe
Valley Scenic Corridor at Lafayette, Indiana, under the authoriz
Wabash River Basin Comprehensive Study: *Provided further,* Th
33 USC 988 note. within available funds, the Secretary of the Army, acting throu
the Chief of Engineers, is directed to initiate and complete a reco
naissance study for the Saint Lawrence Seaway and Great Lak
Financing Navigational Improvements Study, as authorized in s
tion 47(d) of Public Law 100-676, in accordance with the cost shari
provisions of Public Law 99-662: *Provided further,* That $150,000
the funds herein appropriated for the Eastern North Carolina abo
Cape Lookout, North Carolina, study, shall be used by the Secreta
of the Army, acting through the Chief of Engineers, to conduct ba
hydrologic, water quality, and land use studies of the Albemarle a
Pamlico Sounds in support of the Albemarle-Pamlico Estuari
study under the National Estuarine Study Program: *Provided fu
ther,* That the Secretary of the Army, acting through the Chief
Engineers, using $100,000 of the funds herein appropriated, is
rected to complete preconstruction engineering and design ne
essary to prepare the Big and Little Sallisaw Creeks, Oklahom
project, authorized by the Water Resources Development Act
1976, for construction: *Provided further,* That with funds appr
priated in the Energy and Water Development Appropriations A
1989, Public Law 100-371, the Secretary of the Army, acting throu
the Chief of Engineers, is directed to initiate and complete a study
determine the feasibility of the Winton Woods, Mill Creek Lak
Ohio, project under authority of section 1135 of the Water Resourc
Development Act of 1986: *Provided further,* That $90,000 of t
funds herein appropriated shall be used by the Army Corps
Engineers to complete a comprehensive reconnaissance study
coastal erosion controls for the Portuguese Bend landslide in t
immediate, urban Los Angeles, California, area: *Provided furth*
That the Secretary of the Army, acting through the Chief of En
neers, is directed to utilize funds previously appropriated under t
Flood Control, Mississippi River and Tributaries account to prepa
the most cost effective plan to provide the authorized level
protection for flood damage reduction for the entire city of We
Memphis, Arkansas, and vicinity, without regard to frequency
flooding, drainage area, and amount of runoff: *Provided furth*
That the Secretary of the Army, acting through the Chief of En
neers, is directed to utilize previously appropriated funds togeth
with funds appropriated herein to complete in fiscal year 1990 t
engineering and design on the Port Sutton Channel, Tampa Harbo
Florida, project: *Provided further,* That the Secretary of the Arm
acting through the Chief of Engineers, is directed to use $500,000
the funds appropriated herein for preconstruction engineering a
design of structures to restore the riverbed gradient in the vicini

of Mile 206 of the Sacramento River, California, in accordance with the plan contained in a Final Feasibility Report, dated 1989, by the Glenn Colusa Irrigation District and the California Department of Fish and Game, on Fish Protection and Gradient Control Facilities: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $250,000 of the funds appropriated under this heading for a comprehensive reconnaissance study to determine what improvements in the interest of water quality and environmental enhancement are advisable for Onondaga Lake, New York.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, alteration and removal of obstructive bridges, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $997,400,000, of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, to remain available until expended: *Provided*, That with funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the following projects in fiscal year 1990 in the amounts specified:

Beaver Lake, Arkansas (Water Quality Enhancement), $1,100,000;

Red River Emergency Bank Protection, Arkansas and Louisiana, $2,000,000;

Manatee County, Florida, $5,000,000;

Maalaea Small Boat Harbor, Hawaii, $600,000;

Little Calumet River, Indiana, $2,400,000;

Ouachita River Levees, including Bawcomville Levee, Louisiana, $400,000;

Westwego to Harvey Canal, Louisiana, Hurricane Protection, $1,100,000;

Atlantic Coast of Maryland, Maryland, $8,200,000;

Cape Girardeau-Jackson, Missouri, $500,000;

Missouri National Recreation River, Nebraska and South Dakota, $620,000;

Papillion Creek and Tributaries, Nebraska, $2,500,000;

Great Egg Harbor Inlet and Peck Beach, New Jersey, $250,000;

Shinnecock Inlet, New York, $5,300,000;

Roanoke River Upper Basin, Virginia, $200,000;

Kissimmee River, Florida, $4,000,000;

Sarasota County, Florida, $2,000,000;

Roseau River (Duxby Levee), Minnesota, $200,000;

Trimble Wildlife Area, Smithville Lake, Little Platte River, Missouri, $1,570,000;

Acequias Irrigation System, New Mexico, $2,000,000;

Grays Harbor, Washington, $13,000,000;

Small Boat Harbor, Buffalo Harbor, New York, $1,000,000: *Provided further*, That notwithstanding section 302 of the Water Resources Development Act of 1986, the Secretary of the Army,

acting through the Chief of Engineers, is directed to construct
Guadalupe River flood control project in the San Jose area us
$750,000 of the funds herein appropriated: *Provided further,* T
with $4,000,000 of the funds herein appropriated to remain availa
until expended, the Secretary of the Army, acting through the Ch
of Engineers, is directed to award a continuing contract for lev
floodwall construction and to continue, by continuing contra
other structural and nonstructural work associated with
Barbourville, Kentucky, element of the Levisa and Tug Forks of
Big Sandy River and Upper Cumberland River project authorized
section 202 of Public Law 96-367: *Provided further,* That w
$17,000,000 of the funds herein appropriated to remain availa
until expended, the Secretary of the Army, acting through the Ch
of Engineers, is directed to continue the work for the river divers
tunnels and to undertake other structural and nonstructural w
associated with the Harlan, Kentucky, element of the Levisa
Tug Forks of the Big Sandy River and Upper Cumberland Ri
project authorized by section 202 of Public Law 96-367 us
continuing contracts: *Provided further,* That with $7,850,000 of
funds herein appropriated to remain available until expended,
Secretary of the Army, acting through the Chief of Engineers
directed to undertake structural and nonstructural flood protect
measures at Matewan, West Virginia: *Provided further,* That
fully allocated funding policy shall apply to construction of
Barbourville, Kentucky, Matewan, West Virginia, and Harlan, K
tucky, elements of the Levisa and Tug Forks of the Big Sandy Ri
and Upper Cumberland River project: *Provided further,* That w
$1,000,000 of the funds herein appropriated the Secretary of
Army, acting through the Chief of Engineers, is directed, notwi
standing section 903(a) of the Water Resources Development Act
1986, to construct the Mound State Park, Moundville, Alaba
project, authorized by section 608(a) of the Water Resources Devel
ment Act of 1986, in accordance with the General Design Memor
dum number 1 (April 1988) of the Mobile District Engineer, and
non-Federal share of this project shall be 25 percent: *Provi
further,* That with $1,000,000 of the funds herein appropriated
Secretary of the Army, acting through the Chief of Engineers
directed, notwithstanding section 903(a) of the Water Resour
Development Act of 1986, to construct the Fort Toulouse, Elm
County, Alabama, project, authorized by section 608(b) of the Wa
Resources Development Act of 1986, in accordance with the Gene
Design Memorandum number 1 (April 1988) of the Mobile Distr
Engineer, and the non-Federal share of this project shall be
percent: *Provided further,* That, notwithstanding section 903(a)
the Water Resources Development Act of 1986, $500,000 of the fu
herein appropriated shall be used by the Secretary of the Ar
acting through the Chief of Engineers, for construction of the Sat
River Basin, Georgia, project, authorized by section 1151 of Pul
Law 99-662: *Provided further,* That using $415,000 of the fu
herein appropriated the Secretary of the Army, acting through
Chief of Engineers, is directed, immediately upon enactment of t
Act, to initiate a program of applied research, in cooperation w
the Tennessee Valley Authority, to help resolve the aquatic pl
problem in Guntersville Lake, Tennessee River, Alabama, in acc
ance with the research provisions of the aquatic plant cont
program authorized in section 302 of Public Law 89-298: *Provi
further,* That using $1,500,000 of the funds herein appropriated

Secretary of the Army, acting through the Chief of Engineers, is directed to initiate construction of the O'Hare Reservoir, Elk Grove Township, Illinois, as authorized in section 401(a) of Public Law 99-662 with cost sharing in accordance with the percentages specified in section 103(a) of the Water Resources Development Act of 1986: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate remedial work on the Sacramento River Flood Control Project levees in the Sacramento Metropolitan Area with $3,000,000 herein appropriated for that purpose: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate design and construction of the Waterloo Bridges in Waterloo, Iowa, in accordance with section 835 of the Water Resources Development Act of 1986 using funds appropriated in the Energy and Water Development Appropriations Act, 1989, Public Law 100-371 and the Act making further continuing appropriations for the fiscal year ending September 30, 1988, Public Law 100-202: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $9,900,000 of the total sum appropriated herein for design, testing, and construction in fiscal year 1990 of juvenile fish bypass facilities at the Little Goose, Lower Granite, McNary, Lower Monumental, Ice Harbor and The Dalles projects on the Columbia and Snake Rivers as described in the report accompanying this Act: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate and complete construction of the Maumee Bay State Park, Ohio, Shoreline Protection and Beach Restoration project, using funds appropriated in the Energy and Water Development Appropriations Act, 1989, Public Law 100-371, and the non-Federal sponsor shall share the cost of the project in accordance with the cost sharing requirements of the Water Resources Development Act of 1986, Public Law 99-662: *Provided further,* That using funds appropriated in the Energy and Water Development Appropriation Act, 1988, Public Law 100-202, the Secretary of the Army, acting through the Chief of Engineers, shall make $150,000 available to the Kankakee River project in Illinois to acquire an icebreaking boat and equipment to be loaned to the city of Wilmington, Illinois, for a period of at least three years in accordance with section 1101(b) of the Public Law 99-662 (100 Stat. 4224): *Provided further,* That, notwithstanding section 903(a) of the Water Resources Development Act of 1986, the Secretary of the Army, acting through the Chief of Engineers, is directed to construct the Hamlet City Lake, Hamlet, North Carolina, project using $3,200,000 of the funds herein appropriated: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $500,000 of the funds appropriated herein to complete a reassessment of the Manteo (Shallowbag) Bay, North Carolina, project, including a reanalysis of a sand-bypass system and the effect of stabilization measures undertaken by the State of North Carolina on the overall project: *Provided further,* That using funds previously appropriated and $13,000,000 of the funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed to construct Highway 415, Segment "C" at the Saylorville Lake, Iowa, project in accordance with terms of the relocations contract executed on June 21, 1984, between the United States Army Corps of Engineers Rock Island District Engineer and the State of Iowa: *Provided further,* That with $1,000,000 of the funds herein appropriated the Secretary of the Army, acting

through the Chief of Engineers, is directed to initiate and complete the one-time repair and rehabilitation of the Maeystown Creek gravity drainage structure through the project levee of the Harrisonville and Ivy Landing Drainage and Levee District, number 2, Illinois, subject to the cost-sharing provisions of Public Law 99-662: *Provided further*, That with $4,000,000 of the funds herein appropriated the Secretary of the Army, acting through the Chief of Engineers, is directed to resume construction on the Wallisville Lake project in Texas, and to award continuing contracts until construction is complete under the terms and conditions signed in 1967 between the Trinity River Authority of Texas, the city of Houston, the Chambers-Liberty Counties Navigation District, and the Corps of Engineers, and as provided for in Public Law 98-63: *Provided further*, That with $5,000,000 heretofore or herein appropriated for the Cooper Lake and Channels project in Texas, the Secretary of the Army, acting through the Chief of Engineers, is directed to award continuing contracts in fiscal year 1990 at full Federal expense for additional recreation facilities at an estimated cost of $17,000,000 not exclusive to South Sulphur and Doctors Creek Parks, as is acceptable to the State of Texas: *Provided further*, That the Secretary of the Army is authorized and directed to immediately begin a reconnaissance study of the Cuyahoga River in accordance with the provisions of Public Law 99-662 using funds previously appropriated for the Cleveland Harbor, Ohio, project: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, shall use $300,000 of the funds appropriated under this heading for a flood control project on Loves Park Creek, Loves Park and vicinity, Illinois, as authorized by Public Law 99-662, section 401; and, in addition, $101,800,000, to remain available until expended, is hereby appropriated for construction of the Red River Waterway, Mississippi River to Shreveport, Louisiana, project and for compliance with the directions given to the Secretary of the Army in the fiscal year 1988 and 1989 Energy and Water Development Acts, Public Laws 100-202 and 100-371, respectively, regarding the construction of this project, and the Secretary is directed to use $2,000,000 to award continuing contracts in fiscal year 1990 for construction and completion of Lock and Dam 4, Phase I, and Lock and Dam 5, Phase I; and of which $2,500,000 shall be used to acquire up to five thousand acres of land in the vicinity of the Stumpy Lake/Swan Lake/Loggy Bayou Wildlife Management area as part of the lands for the Red River Waterway project; and with funds provided in this title or previously appropriated to the Corps of Engineers, the Secretary further is directed to fund previously awarded and directed construction contracts and to award continuing contracts in fiscal year 1990 for construction and completion of each of the following features of the Red River Waterway: in Pool 1, Vick Revetment Extension; Saline Bend Dikes, Blakewood, Pump Bayou, and Grand Lakes Reinforcement and Dikes. The Federal cost for construction of the Louisiana and Arkansas Railway Bridge near Alexandria, Louisiana, authorized in Public Law 98-181 shall be increased to a limitation of $25,770,000 (July 1, 1983, price levels) in order to avoid disruption of the Colfax Creosoting Company.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g-1), $336,000,000, to remain available until expended: *Provided*, That not less than $250,000 shall be available for bank stabilization measures as determined by the Chief of Engineers to be advisable for the control of bank erosion of streams in the Yazoo Basin, including the foothill area, and where necessary such measures shall complement similar works planned and constructed by the Soil Conservation Service and be limited to the areas of responsibility mutually agreeable to the District Engineer and the State Conservationist: *Provided further*, That the Secretary of the Army is directed to provide $1,000,000 from funds appropriated by Public Law 100-371 (102 Stat. 859) for Flood Control, Mississippi River and Tributaries, to the United States Department of Agriculture, Soil Conservation Service, to be expended for engineering and design of the Johns Creek project, as authorized by section 401(a) of Public Law 99-662 (100 Stat. 4124): *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with design and construction of a replacement for the Motor Vessel MISSISSIPPI using funds available under this appropriation in order to complete construction of the replacement vessel by the end of calendar year 1991: *Provided further*, That using previously appropriated funds, the Secretary of the Army, acting through the Chief of Engineers, is directed to reimburse the local interests for the Federal share of the cost of relocation of United States Highway 71 bridge in St. Landry Parish, Louisiana, carried out by local interests as authorized by section 824 of Public Law 99-662: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to utilize $2,500,000 of previously appropriated funds to initiate and complete construction of a land side seepage berm to correct a project deficiency at the Mississippi River, Memphis Harbor, Tennessee.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,377,504,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662, may be derived from that fund, and of which $20,000,000 shall be for construction, operation, and maintenance of outdoor recreation facilities, to be derived from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l): *Provided*, That $100,000 of

funds herein appropriated shall be used by the Secretary of the Army, acting through the Chief of Engineers for operation and maintenance of existing structures and facilities of the Missouri National Recreation River, Nebraska and South Dakota: *Provided further,* That not to exceed $8,000,000 shall be available for obligation for national emergency preparedness programs: *Provided further,* That $750,000 of the funds herein appropriated shall be used by the Secretary of the Army, acting through the Chief of Engineers, for maintenance dredging of the Los Angeles River portion of the Los Angeles-Long Beach Harbors project: *Provided further,* That $50,000 of the funds herein appropriated shall be used by the Secretary of the Army, acting through the Chief of Engineers, to continue the Sauk Lake, Minnesota, project.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters, including bridges, and wetlands, $69,427,000, to remain available until expended.

REVOLVING FUND

For continued acquisition of the Corps of Engineers Automation Plan, $10,000,000, to remain available until expended (33 U.S.C. 576).

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the office of the Chief of Engineers and offices of the Division Engineers; activities of the Board of Engineers for Rivers and Harbors, the Coastal Engineering Research Board, the Engineer Automation Support Activity, and the Water Resources Support Center, $128,800,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for expenses of attendance by military personnel at meetings in the manner authorized by section 4110 of title 5, United States Code, uniforms, and allowances therefor, as authorized by law (5 U.S.C. 5901–5902), and for printing, either during a recess or session of Congress, of survey reports authorized by law, and such survey reports as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress; and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 150 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986, is modified to direct the Secretary of the Army, using $1,300,000 appropriated herein under the General Investigations account and funds appropriated hereafter, to complete the

design of the project so as to provide flood protection to the area protected by the existing projects from flood conditions which would occur as a result of the recurrence of Tropical Storm Agnes of 1972.

SEC. 102. The Sacramento River Flood Control Project, California, as authorized by the Flood Control Act of 1917, as amended, is further modified to direct the Secretary of the Army, acting through the Chief of Engineers, to proceed in fiscal year 1990 and in subsequent years as necessary with construction of riverbed gradient restoration structures in the vicinity of River Mile 206, Sacramento River, California, at an additional estimated cost of $6,000,000, generally in accordance with the plan contained in a report prepared by the Glenn Colusa Irrigation District and the California Department of Fish and Game, dated December 1988. Local cost-sharing is to be obtained in accordance with the flood control requirements of the Water Resources Development Act of 1986.

SEC. 103. The undesignated paragraph entitled "Sims Bayou, Texas" in section 401(a) of Public Law 99-662 (100 Stat. 4110) is amended by striking out "$126,000,000" and inserting in lieu thereof "$244,000,000", by striking out "$94,700,000" and inserting in lieu thereof "$164,000,000", and by striking out "$31,300,000" and inserting in lieu thereof "$80,000,000".

SEC. 104. The project for shoreline protection for the Atlantic Coast of Maryland (Ocean City), authorized by section 501(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4135), is modified to authorize the Secretary to construct hurricane and storm protection measures based on the District Engineer's Post Authorization Change Notification Report dated May 1989, at a total initial cost of $71,000,000, with an estimated Federal cost of $37,000,000 and an estimated non-Federal cost of $34,000,000, and an annual cost of $2,700,000 for periodic beach nourishment over the life of the project, with an estimated annual Federal cost of $1,755,000 and an estimated annual non-Federal cost of $945,000.

SEC. 105. Notwithstanding section 110 of the Energy and Water Development Appropriation Act, 1988, Public Law 100-202, the Secretary of the Army is authorized to transfer and reassign property accountability for the headquarters aircraft of the Corps of Engineers, Serial Number 045, from the assets of the civil works revolving fund, to the military activity of the Army that the Secretary determines is appropriate, except that the aircraft shall be made available on a priority basis as necessary for activities in support of the Army's civil works mission. 33 USC 576 note.

SEC. 106. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to assume operation of the Sledge Bayou Drainage District's structure located in Quitman County, Mississippi.

SEC. 107. Section 803 of the Water Resources Development Act of 1986 (100 Stat. 4166) is amended by adding at the end thereof the following new sentence: "Notwithstanding section 215 of the Flood Control Act of 1968 (42 U.S.C. 1962d-5a), if, before the date of the enactment of this Act, non-Federal interests complete construction and repair of the Cherry Street bridge, the Secretary shall credit toward the non-Federal share of the cost of construction of the Walnut Street bridge an amount equal to the Federal share of the cost incurred for construction and repair of the Cherry Street bridge.". Bridges.

SEC. 108. The Secretary of the Army, acting through the Chief Engineers, is authorized and directed to perform maintenan dredging and related activities to maintain Pump Slough from confluence with the West Pearl River to the boat ramps in t vicinity of Interstate 59 and Crawford and Davis landings.

SEC. 109. The project for mitigation of fish and wildlife losses the Canaveral Harbor West Basin and Approach Channel proje Florida, authorized by section 601(a) of the Water Resources Dev opment Act of 1986 under the heading "PORT CANAVERA HARBOR, FLORIDA" (100 Stat. 4140), is modified to authorize t Secretary to construct that part of the project consisting of resh ing of four spoil islands located in the Banana River, installation culverts along the existing levee of the south mosquito cont impoundment of Merritt Island, and rehabilitation of the existi pump station located at the southern tip of the south mosqu control impoundment, at a total cost of $838,000, with an estimat first Federal cost of $825,000 and an estimated non-Federal cost $13,000.

SEC. 110. The undesignated paragraph of the Water Resour Development Act of 1986 (Public Law 99-662) under the headi "Roanoke River Upper Basin, Virginia" (100 Stat. 4126) is amend by striking out "$21,000,000" and all that follows in that paragra and inserting in lieu thereof "$29,000,000, with an estimated fi Federal cost of $17,700,000 and an estimated first non-Federal cost $11,300,000, October 1988 price levels.".

SEC. 111. The project for navigation, Bonneville Lock and Da Oregon and Washington, authorized by the Supplemental App priations Act of 1985 (Public Law 99-88), the Water Resour Development Act of 1986 (Public Law 99-662), and the Supplemen Appropriations Act of 1989 (Public Law 101-45), is modified authorize the Secretary of the Army to make available and deli to the following Oregon and Washington ports: Port of The Dall Oregon; Port of Hood River, Oregon; Port of Cascade Locks, Oreg Port of Klickitat, Washington; and Port of Skamania, Washingt excavated material surplus to the needs of the project as determi and conditioned by the Secretary of the Army without cost to t ports for such material.

Contracts.

The Secretary, or his designee, shall not make such excavat material available until each port has entered into a written agr ment: (1) to provide disposal sites at no cost to the government or agents or its contractors; (2) to provide without charge or fee disposal site work necessary for placement of the excavated ma rials as it becomes available for disposal; (3) to provide all dispo site work during disposal of the excavated material such as spre ing, compacting and protection of in-water fills but not including loading from either truck or barge; (4) obtain all required State a Federal permits; and (5) to hold and save harmless the governm from all damages, contractual or otherwise from the ports, but n from third-party claims.

Actions taken pursuant to this modification shall not affect t environmental studies and approvals which have been completed the project.

SEC. 112. Section 4(t)(3) of the Water Resources Development A of 1988 (102 Stat. 4021-4022) is amended by adding at the end subparagraph (3)(E) the following new subparagraph:

"(F) Upon transfer of OMR&R responsibility to the city accordance with the provisions of this subsection, the S

retary shall further modify the project contract to forgive the city's OMR&R payment obligations in excess of $200,000 for the period beginning October 1, 1988, and ending September 30, 1989: *Provided,* That the total amount forgiven shall not exceed $600,000.".

Public buildings and grounds. Recreation.

SEC. 113. The lake and recreation area at Dam Site 18 of the Papillion Creek Basin Project in Nebraska shall, on and after the date of enactment of this Act, be known and designated as the "Ed Zorinsky Lake and Recreation Area". Any reference to the area containing such dam site and its lake and surroundings in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Ed Zorinsky Lake and Recreation Area.

SEC. 114. Notwithstanding section 601(b) of Public Law 99-662, the project for flood damage prevention, along the Rillito River, Pima County, Arizona, is authorized for construction in accordance with the plans described in the report of the Chief of Engineers dated January 22, 1988, at a total cost of $19,600,000 with an estimated first Federal cost of $14,600,000.

TITLE II

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, $11,530,000: *Provided,* That, of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further,* That all costs of an advance planning study of a proposed project shall be considered to be construction costs and to be reimbursable in accordance with the allocation of construction costs if the project is authorized for construction: *Provided further,* That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such amounts shall remain available until expended.

CONSTRUCTION PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For construction and rehabilitation of projects and parts thereof (including power transmission facilities for Bureau of Reclamation use) and for other related activities as authorized by law, to remain

available until expended, $662,120,000, of which $164,866,000 shall be available for transfers to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d), and $188,823,000 shall be available for transfers to the Lower Colorado River Basin Development Fund authorized by section 403 of the Act of September 30, 1968 (43 U.S.C. 1543), and such amounts as may be necessary shall be considered as though advanced to the Colorado River Dam Fund for the Boulder Canyon Project as authorized by the Act of December 21, 1928, as amended: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That transfers to the Upper Colorado River Basin Fund and Lower Colorado River Basin Development Fund may be increased or decreased by transfers within the overall appropriation under this heading: *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such funds shall remain available until expended: *Provided further*, That the final point of discharge for the interceptor drain for the San Luis Unit shall not be determined until development by the Secretary of the Interior and the State of California of a plan, which shall conform with the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters: *Provided further*, That no part of the funds herein approved shall be available for construction or operation of facilities to prevent waters of Lake Powell from entering any national monument: *Provided further*, That of the amount herein appropriated, such amounts as may be necessary shall be available to enable the Secretary of the Interior to continue work on rehabilitating the Velarde Community Ditch Project, New Mexico, in accordance with the Federal Reclamation Laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) for the purposes of diverting and conveying water to irrigated project lands. The cost of the rehabilitation will be nonreimbursable and constructed features will be turned over to the appropriate entity for operation and maintenance: *Provided further*, That the funds contained in this Act for the Garrison Diversion Unit, North Dakota, shall be expended only in accordance with the provisions of the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 99-294): *Provided further*, That none of the funds appropriated in this Act shall be used to study or construct the Cliff Dam feature of the Central Arizona Project: *Provided further*, That Plan 6 features of the Central Arizona Project other than Cliff Dam, including (1) water rights and associated lands within the State of Arizona acquired by the Secretary of the Interior through purchase, lease, or exchange, for municipal and industrial purposes, not to exceed 30,000 acre feet; and, (2) such increments of flood control that may be found to be feasible by the Secretary of the Interior at Horseshoe and Bartlett Dams, in consultation and cooperation with the Secretary of the Army and using Corps of Engineers evaluation criteria, developed in conjunction with dam safety modifications and consistent with applicable environmental law, are hereby deemed to constitute a suitable alternative to Orme Dam within the meaning of the Colorado River Basin Project Act (82 Stat. 885; 43 U.S.C. 1501 et seq.): *Provided further*, That $17,000,000 of the funds herein

appropriated shall be available for use for construction on the Davis Creek Dam, North Loup Division, Nebraska, and related facilities in addition to the amount requested by the Secretary of the Interior for continuing work on the North Loup Division, which funds shall remain available until expended: *Provided further,* That in accordance with Public Law 100-563, there is authorized to be appropriated under section 8, of the Act of April 11, 1956 (70 Stat. 110; 43 U.S.C. 620g), $15,000,000 as compensation to the Strawberry Water Users Association which shall be available only for such compensation and must be used for Strawberry Valley Reclamation Project purposes. Of the amounts appropriated hereafter (including funds previously appropriated for fiscal year 1989) under section 8 of such Act, the first $15,000,000 shall be paid to the Association. Upon receipt of such compensation, the Association shall relinquish all of its contractual surface rights and interests, including sand and gravel, in the 56,775 acres of Project lands.

Nothing in this Act shall delay the transfer of Strawberry Valley Project lands under the terms and conditions of section 4 of Public Law 100-563.

During the fiscal year 1990, the Bureau is authorized to utilize funds surplus to construction needs under section 5 of the Act of April 11, 1956 (70 Stat. 107; 43 U.S.C. 620d), if available, (Bonneville Unit only), to accomplish the purposes and objectives of sections 3 and 4 of Public Law 100-563.

OPERATION AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, to remain available until expended, $212,287,000: *Provided,* That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund, and the amount for program activities which can be derived from the special fee account established pursuant to the Act of December 22, 1987 (16 U.S.C. 460l-6a, as amended), may be derived from that fund: *Provided further,* That of the total appropriated, such amounts as may be required for replacement work on the Boulder Canyon Project which would require readvances to the Colorado River Dam Fund shall be readvanced to the Colorado River Dam Fund pursuant to section 5 of the Boulder Canyon Project Adjustment Act of July 19, 1940 (43 U.S.C. 618d), and such readvances since October 1, 1984, and in the future shall bear interest at the rate determined pursuant to section 104(a)(5) of Public Law 98-381: *Provided further,* That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same objects and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended: *Provided further,* That revenues in the Upper Colorado River Basin Fund shall be available for performing examination of existing structures on participating projects of the Colorado River Storage Project, the costs of which shall be nonreimbursable: *Provided further,* That none of the funds appropriated in this Act shall be used to execute

43 USC 618d note.

new long-term contracts for water supply from the Central Valley Project, California, prior to October 1, 1990.

LOAN PROGRAM

For loans to irrigation districts and other public agencies for construction of distribution systems on authorized Federal reclamation projects, and for loans and grants to non-Federal agencies for construction of projects, as authorized by the Acts of July 4, 1955, as amended (43 U.S.C. 421a–421d), and August 6, 1956, as amended (43 U.S.C. 422a–422l), including expenses necessary for carrying out the program, $34,122,000, to remain available until expended: *Provided*, That of the total sums appropriated, the amount of program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That during fiscal year 1990 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $31,922,000: *Provided further*, That any contract under the Act of July 4, 1955 (69 Stat. 244), as amended, not yet executed by the Secretary, which calls for the making of loans beyond the fiscal year in which the contract is entered into shall be made only on the same conditions as those prescribed in section 12 of the Act of August 4, 1939 (53 Stat. 1187, 1197).

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, $47,983,000, of which $1,000,000 shall remain available until expended, the total amount to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

EMERGENCY FUND

43 USC 502 note.

For an additional amount for the "Emergency fund", as authorized by the Act of June 26, 1948 (43 U.S.C. 502), as amended, to remain available until expended for the purposes specified in said Act, $1,000,000, to be derived from the reclamation fund.

WORKING CAPITAL FUND

For acquisition of computer capacity for the Business System Acquisition project, and other capital equipment, $8,500,000, to remain available until expended, as authorized in section 1472 of title 43, United States Code (99 Stat. 571).

SPECIAL FUNDS

(TRANSFER OF FUNDS)

Sums herein referred to as being derived from the reclamation fund or special fee account are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391) or the Act of December 27, 1987 (16 U.S.C. 460l–6a, as amended),

respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the head "General Administrative Expenses" shall revert and be credited to the reclamation fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 28 passenger motor vehicles for replacement only; acquisition of one aircraft by transfer of title without the use of appropriated funds; payment of claims for damages to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation; payment, except as otherwise provided for, of compensation and expenses of persons on the rolls of the Bureau of Reclamation appointed as authorized by law to represent the United States in the negotiations and administration of interstate compacts without reimbursement or return under the reclamation laws; for service as authorized by section 3109 of title 5, United States Code, in total not to exceed $500,000; rewards for information or evidence concerning violations of law involving property under the jurisdiction of the Bureau of Reclamation; performance of the functions specified under the head "Operation and Maintenance Administration", Bureau of Reclamation, in the Interior Department Appropriations Act 1945; preparation and dissemination of useful information including recordings, photographs, and photographic prints; and studies of recreational uses of reservoir areas, and investigation and recovery of archeological and paleontological remains in such areas in the same manner as provided for in the Acts of August 21, 1935 (16 U.S.C. 461-467), and June 27, 1960 (16 U.S.C. 469): *Provided*, That no part of any appropriation made herein shall be available pursuant to the Act of April 19, 1945 (43 U.S.C. 377), for expenses other than those incurred on behalf of specific reclamation projects except "General Administrative Expenses", amounts provided for plan formulation and advance planning investigations under the head "General Investigations", and amounts provided for applied engineering under the head "Construction Program".

Sums appropriated herein which are expended in the performance of reimbursable functions of the Bureau of Reclamation shall be returnable to the extent and in the manner provided by law.

No part of any appropriation for the Bureau of Reclamation, contained in this Act or in any prior Act, which represents amounts earned under the terms of a contract but remaining unpaid, shall be obligated for any other purpose, regardless of when such amounts are to be paid: *Provided*, That the incurring of any obligation prohibited by this paragraph shall be deemed a violation of section 3679 of the Revised Statutes, as amended (31 U.S.C. 1341).

No funds appropriated to the Bureau of Reclamation for operation and maintenance, except those derived from advances by water users, shall be used for the particular benefits of lands (a) within the boundaries of an irrigation district, (b) of any member of a water users' organization, or (c) of any individual when such district, organization, or individual is in arrears for more than twelve months in the payment of charges due under a contract entered into with the United States pursuant to laws administered by the Bureau of Reclamation. 43 USC 377a.

43 USC 1475.

The Bureau of Reclamation may hereafter accept the services of volunteers and, from any funds available to it, provide for their incidental expenses to carry out any activity of the Bureau of Reclamation except policymaking or law or regulatory enforcement. Such volunteers shall not be deemed employees of the United States Government, except for the purposes of chapter 81 of title 5 of the United States Code relating to compensation for work injuries, and shall not be deemed employees of the Bureau of Reclamation except for the purposes of tort claims to the same extent as a regular employee of the Bureau of Reclamation would be under identical circumstances.

None of the funds made available by this or any other Act shall be used by the Bureau of Reclamation for contracts for surveying and mapping services unless such contracts for which a solicitation is issued after the date of this Act are awarded in accordance with title IX of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 541 et seq.). Notwithstanding the provisions of 5 U.S.C. 5901(a), as amended, the uniform allowance for each uniformed employee of the Bureau of Reclamation, Department of the Interior, shall not exceed $400 annually.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. Appropriations in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

SEC. 202. The Secretary may authorize the expenditure or transfer (within each bureau or office) of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior.

SEC. 203. Appropriations in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency, or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 1535 and 1536): *Provided*, That reimbursements for costs of supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 204. Appropriations in this title shall be available for hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchases of reprints; payment for telephone services in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 205. Section 210 of the Energy and Water Development Appropriations Act of 1988 is hereby deleted in its entirety. 101 Stat. 1329-119.

TITLE III

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for energy supply, research and development activities, and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 21 for replacement only), $2,215,466,000, to remain available until expended, of which $20,000,000 shall be available only for the following facilities: the Biomedical Research Institute, LSU Medical Center at Shreveport, Louisiana, and the Oregon Health Science University: *Provided*, That of the amount appropriated herein, $2,500,000 shall be provided to the Midwest Superconductivity Consortium at Purdue University.

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For expenses of the Department of Energy in connection with operating expenses; the purchase, construction, and acquisition of plant and capital equipment and other expenses incidental thereto necessary for uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of electricity to provide enrichment services or purchase of enriched uranium from the Federal Republic of Germany whichever will minimize appropriations; purchase of passenger motor vehicles (not to exceed 25 for replacement only), $1,431,000,000, to remain available until expended: *Provided*, That revenues received by the Department for the enrichment of uranium and estimated to total $1,500,900,000 in fiscal year 1990, shall be retained and used for the specific purpose of offsetting costs incurred by the Department in providing uranium enrichment service activities as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302(b) of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced as uranium enrichment revenues are received during fiscal year 1990 so as to result in a final fiscal year 1990 appropriation estimated at not more than $0.

GENERAL SCIENCE AND RESEARCH ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for general science and research activities in carrying out the purposes of the

Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 13, of which 10 are for replacement only and one is a police-type vehicle), $1,114,431,000, to remain available until expended: *Provided,* That none of the funds provided in this Act for the Superconducting Super Collider shall be available to finalize or implement any agreements for either in-kind or direct contributions from foreign countries until a full report on such international contributions has been provided to the Congress, unless the President or Secretary of Energy certify in writing that it is in the national interest of the United States to implement such an agreement. Funds available for the Superconducting Super Collider may be utilized to prepare agreements to allow the above report to Congress to be formulated.

Reports.

NUCLEAR WASTE DISPOSAL FUND

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, $346,000,000, to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in the account, the Secretary shall exercise his authority pursuant to section 302(e)(5) to issue obligations to the Secretary of the Treasury: *Provided,* That any proceeds resulting from the sale of assets purchased from the Nuclear Waste Fund shall be returned to the Nuclear Waste Fund: *Provided further,* That of the amount herein appropriated not to exceed $5,000,000, may be provided to the State of Nevada, for the conduct of its oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended, of which $1,000,000 is to be available for the University of Nevada-Reno to carry out infrastructure studies related to nuclear waste, and of which not more than $1,000,000 may be expended for geology and hydrology studies carried out by the University of Nevada system and not more than $1,000,000 may be expended for socioeconomic and transportation studies: *Provided further,* That not more than $6,000,000 may be provided to the State of Nevada, at the discretion of the Secretary of Energy, to conduct appropriate activities pursuant to the Act: *Provided further,* That not more than $5,000,000, may be provided to affected local governments, as defined in the Act, to conduct appropriate activities pursuant to the Act: *Provided further,* That none of the funds herein appropriated may be used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for any lobbying activity as provided in 18 U.S.C. 1913: *Provided further,* That of the amount appropriated herein, up to $10,000,000 shall be made available to the University of Nevada, Las Vegas (UNLV), to provide computing resource to the State of Nevada to carry out its independent analyses and oversight responsibilities under the Nuclear Waste Policy Act of 1982 and for use by UNLV. The funds shall be made available by direct payment to UNLV in the amount of the purchase price of a supercomputer or coupled minisupercomputers. UNLV shall take title to and assume ownership of the computer hardware and software that are purchased with these funds.

ISOTOPE PRODUCTION AND DISTRIBUTION PROGRAM FUND

For necessary expenses of activities related to the production, distribution, and sale of isotopes and related services, $16,243,000, to remain available until expended: *Provided,* That this amount and, notwithstanding 31 U.S.C. 3302, revenues received from the disposition of isotopes and related services shall be credited to this account to be available for carrying out these purposes without further appropriation: *Provided further,* That all unexpended balances of previous appropriations made for the purpose of carrying out activities related to the production, distribution, and sale of isotopes and related services may be transferred to this fund and merged with other balances in the fund and be available under the same conditions and for the same period of time: *Provided further,* That fees shall be set by the Secretary of Energy in such a manner as to provide full cost recovery, including administrative expenses, depreciation of equipment, accrued leave, and probable losses: *Provided further,* That all expenses of this activity shall be paid only from funds available in this fund: *Provided further,* That at any time the Secretary of Energy determines that moneys in the fund exceed the anticipated requirements of the fund, such excess shall be transferred to the general fund of the Treasury.

ATOMIC ENERGY DEFENSE ACTIVITIES

For expenses of the Department of Energy activities, $9,656,034,000, to remain available until expended, including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for atomic energy defense activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 208 for replacement only including 19 police-type vehicles).

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for Departmental Administration and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000) $355,056,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided,* That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further,* That moneys received by the Department for miscellaneous revenues estimated to total $150,000,000 in fiscal year 1990 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302 of title 31, United States Code: *Provided further,* That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1990 so as to result in a

final fiscal year 1990 appropriation estimated at not more than $205,056,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $22,959,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, $3,145,000, to remain available until expended.

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for expenses of the Northeast Oregon Spring Chinook Facility and Galbraith Springs/Sherman Creek Hatcheries; and for official reception and representation expenses in an amount not to exceed $2,500.

During fiscal year 1990, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $18,469,000, to remain available until expended.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $25,172,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $11,723,000 in reimbursements, to remain available until expended: *Provided*, That the continuing fund established by the Act of October 12, 1949, c. 680, title I, section 101, as amended, shall also be available on an ongoing basis for paying for purchase power and wheeling expenses when the Administrator determines that such expenditures are necessary to meet contractual obligations for the sale and delivery of power during periods of below-average hydropower generation. Payments from the continuing fund shall be limited to the amount required to replace the generation deficiency, and only for the project where the

16 USC 825s-1 note.

deficiency occurred. Replenishment of the fund shall occur within twelve months of the month in which the funds were first expended.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (Public Law 95-91), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, the purchase, maintenance, and operation of one helicopter for replacement only, $291,233,000, to remain available until expended, of which $264,457,000 shall be derived from the Department of the Interior Reclamation fund; in addition, the Secretary of the Treasury is authorized to transfer from the Colorado River Dam Fund to the Western Area Power Administration $3,564,000, to carry out the power marketing and transmission activities of the Boulder Canyon project as provided in section 104(a)(4) of the Hoover Power Plant Act of 1984, to remain available until expended: *Provided*, That, the continuing fund established in Public Law 98-50 shall also be available on an ongoing basis for paying for purchase power and wheeling expenses when the Administrator determines that such expenditures are necessary to meet contractual obligations for the sale and delivery of power during periods of below-normal hydropower generation. Payments from the continuing fund shall be limited to the amount required to replace the generation deficiency, and only for the project where the deficiency occurred. Replenishment of the continuing fund shall occur within twelve months of the month in which the funds were first expended.

43 USC 502 note.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (Public Law 95-91), including services as authorized by 5 U.S.C. 3109, including the hire of passenger motor vehicles; official reception and representation expenses (not to exceed $2,000); $116,550,000, of which $11,000,000 shall remain available until expended and be available only for contractual activities: *Provided*, That hereafter and notwithstanding any other provision of law, not to exceed $116,550,000 of revenues from licensing fees, inspection services, and other services and collections in fiscal year 1990, shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1990, so as to result in a final fiscal year 1990 appropriation estimated at not more than $0: *Provided further*, That revenues collected under the authority of section 3401 of the Omnibus Budget Reconciliation Act that have been held in suspense pending the final outcome of litigation, will be immediately credited to the general fund of the Treasury.

42 USC 7171 note.

GEOTHERMAL RESOURCES DEVELOPMENT FUND

For carrying out the Loan Guarantee and Interest Assistance Program as authorized by the Geothermal Energy Research, Development and Demonstration Act of 1974, as amended, $75,000, to remain available until expended: *Provided*, That the indebtedness guaranteed or committed to be guaranteed through funds provided by this or any other appropriation Act shall not exceed the aggregate of $500,000,000.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

SEC. 301. Appropriations for the Department of Energy under this title for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance and operation of aircraft; purchase, repair and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services. From these appropriations, transfers of sums may be made to other agencies of the United States Government for the performance of work for which this appropriation is made. None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriation Act. The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign.

Gifts and property.

SEC. 302. Not to exceed 5 per centum of any appropriation made available for the current fiscal year for Department of Energy activities funded in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise provided, shall be increased or decreased by more than 5 per centum by any such transfers, and any such proposed transfers shall be submitted promptly to the Committees on Appropriations of the House and Senate.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 303. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

MINORITY PARTICIPATION IN THE SUPERCONDUCTING SUPER COLLIDER

Schools and colleges. Women.

SEC. 304. (a) FEDERAL FUNDING.—The Secretary of Energy shall, to the fullest extent possible, ensure that at least 10 per centum of Federal funding for the development, construction, and operation of the Superconducting Super Collider be made available to business concerns or other organizations owned or controlled by socially and economically disadvantaged individuals (within the meaning of section 8(a) (5) and (6) of the Small Business Act (15 U.S.C. 637(a) (5) and (6))), including historically black colleges and universities and colleges and universities having a student body in which more than 20 percent of the students are Hispanic Americans or Native Ameri-

cans. For purposes of this section, economically and socially disadvantaged individuals shall be deemed to include women.

(b) OTHER PARTICIPATION.—The Secretary of Energy shall, to the fullest extent possible, ensure significant participation, in addition to that described in subsection (a), in the development, construction, and operation of the Superconducting Super Collider by socially and economically disadvantaged individuals (within the meaning of section 8(a) (5) and (6) of the Small Business Act (15 U.S.C. 637(a) (5) and (6))) and economically disadvantaged women.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

40 USC app. 401 note.

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, and for necessary expenses for the Federal Cochairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, to remain available until expended, $150,000,000.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-56, section 1441, $7,000,000, to remain available until expended.

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), $214,000.

CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), $345,000.

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the

conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), as amended by the Act of September 25, 1970 (Public Law 91-407), $300,000.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed $20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, $442,100,000, to remain available until expended, of which $23,195,000 shall be derived from the Nuclear Waste Fund: *Provided,* That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further,* That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs including criminal history checks under section 149 of the Atomic Energy Act, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further,* That revenues from licensing fees, inspection services, and other services and collections estimated at $146,850,000 in fiscal year 1990 shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1990 from licensing fees, inspection services and other services and collections, and from the Nuclear Waste Fund, excluding those moneys received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1990 appropriation estimated at not more than $295,250,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services authorized by 5 U.S.C. 3109, $2,900,000, to remain available until expended; and in addition, not to exceed 5 percent of this sum may be transferred from Salaries and Expenses, Nuclear Regulatory Commission: *Provided,* That notice of such transfer shall be given to the Committees on Appropriations of the House and Senate: *Provided further,* That from this appropriation, transfer of sums may be made to other agencies of the Government

for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred.

SUSQUEHANNA RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission as authorized by law (84 Stat. 1541), $200,000.

CONTRIBUTION TO SUSQUEHANNA RIVER BASIN COMMISSION

For payment of the United States share of the current expense of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1530, 1531), $276,000.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including purchase, hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, and for entering into contracts and making payments under section 11 of the National Trails System Act, as amended, $121,000,000, to remain available until expended: *Provided,* That this appropriation and other moneys available to the Tennessee Valley Authority may be used hereafter for payment of the allowances authorized by section 5948 of title 5, United States Code: *Provided further,* That the Tennessee Valley Authority may hereafter accept the services of volunteers and, from any funds available to it, provide for their incidental expenses to carry out any activity of the Tennessee Valley Authority except policymaking or law or regulatory enforcement. Such volunteers shall not be deemed employees of the United States Government, except for the purposes of chapter 81 of title 5 of the United States Code relating to compensation for work injuries, and shall not be deemed employees of the Tennessee Valley Authority except for the purposes of tort claims to the same extent as a regular employee of the Tennessee Valley Authority would be under identical circumstances.

16 USC 831b note.

16 USC 831b-1.

OFFICE OF THE NUCLEAR WASTE NEGOTIATOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Nuclear Waste Negotiator, as authorized by Public Law 100-203, section 411, $2,000,000, to be derived from the Nuclear Waste Fund and to remain available until expended.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 509, $2,000,000, to be derived from the Nuclear Waste Fund and to remain available until expended.

TITLE V—GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 503. None of the programs, projects or activities as defined in the report accompanying this Act, may be eliminated or disproportionately reduced due to the application of "Savings and Slippage", "general reduction", or the provision of Public Law 99-177 or Public Law 100-119 unless such report expressly provides otherwise.

Contracts. Public information.

SEC. 504. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 505. None of the funds appropriated in this Act shall be used to implement a program of retention contracts for senior employees of the Tennessee Valley Authority.

SEC. 506. Notwithstanding any other provision of this Act or any other provision of law, none of the funds made available under this Act or any other law shall be used for the purposes of conducting any studies relating or leading to the possibility of changing from the currently required "at cost" to a "market rate" or any other noncost-based method for the pricing of hydroelectric power by the six Federal public power authorities, or other agencies or authorities of the Federal Government, except as may be specifically authorized by Act of Congress hereafter enacted.

SEC. 507. None of the funds appropriated in this Act for Power Marketing Administrations or the Tennessee Valley Authority, and none of the funds authorized to be expended by this or any previous Act from the Bonneville Power Administration Fund or the Tennessee Valley Authority Fund, may be used to pay the costs of procuring extra high voltage (EHV) power equipment unless contract awards are made for EHV equipment manufactured in the United States when such agencies determine that there are one or more manufacturers of domestic end product offering a product that meets the technical requirements of such agencies at a price not exceeding 130 per centum of the bid or offering price of the most competitive foreign bidder: *Provided*, That such agencies shall determine the incremental costs associated with implementing this section and defer or offset such incremental costs against otherwise existing repayment obligations: *Provided further*, That this section shall not apply to any procurement initiated prior to October 1,

1985, or to the acquisition of spare parts or accessory equipment necessary for the efficient operation and maintenance of existing equipment and available only from the manufacturer of the original equipment: *Provided further,* That this section shall not apply to procurement of domestic end product as defined in 48 C.F.R. sec. 25.101: *Provided further,* That this section shall not apply to EHV power equipment produced or manufactured in a country whose government has completed negotiations with the United States to extend the GATT Government Procurement Code, or a bilateral equivalent, to EHV power equipment, or which otherwise offers fair competitive opportunities in public procurements to United States manufacturers of such equipment.

SEC. 508. Such sums as may be necessary for fiscal year 1990 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

This Act may be cited as the "Energy and Water Development Appropriations Act, 1990".

Approved September 29, 1989.

LEGISLATIVE HISTORY—H.R. 2696:

HOUSE REPORTS: No. 101-96 (Comm. on Appropriations) and No. 101-235 (Comm. of Conference).
SENATE REPORTS: No. 101-83 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 135 (1989):
June 28, considered and passed House.
July 27, considered and passed Senate, amended.
Sept. 12, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments.
Sept. 14, Senate agreed to conference report; concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 25 (1989):
Sept. 29, Presidential statement.

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